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Summary record of the 1579th meeting
Held at the Palais des Nations, Geneva, on Friday, 23 February 2018, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Fiji (*continued*) (CEDAW/C/FJI/5; CEDAW/C/FJI/Q/5 and CEDAW/C/FJI/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Fiji took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Tuisawau** (Fiji) said that the Government had established a management information system that could be used to generate disaggregated data on school infrastructure and the number of children enrolled. Owing to the successful implementation of a number of government initiatives, the school retention rate for girls was very high in both urban and rural areas. Although more boys than girls were enrolled at the primary level, there were more girls than boys at the secondary level and in higher educational institutions.

3. The school curriculum had been reviewed in line with the National Curriculum Framework developed in 2013. As a result, business studies, career guidance and additional technical subjects had been included in the curriculum. Proposed changes to the curriculum were reviewed by both a national working group and local working groups composed of teachers before being referred to the Curriculum Council. As part of that process, images based on gender stereotypes were being removed from school materials. In line with the National Development Plan, greater emphasis had been placed on digital literacy to ensure that students in rural areas had the same educational opportunities as those in towns and cities, and efforts were being made to address the fact that some 70 schools did not have any kind of Internet connection.

4. Measures were being taken to improve the quality of teaching and the infrastructure of schools, particularly those that had been damaged by Tropical Cyclone Winston. New schools were required to conform to the Fiji Building Code and to provide at least 1 bathroom for every 30 girls.

5. Parents were encouraged to become involved in their children's education as a way of ensuring that students considered studying subjects other than those traditionally chosen by their gender. The data available to the Government indicated that an increasing number of girls opted to study science subjects. In 2017, for example, a significant number of girls had chosen to study chemistry, biology and mathematics, although the number choosing to study physics remained low. As a result, more women were enrolling to study medicine and other related subjects in higher education institutions.

6. A gender policy had been drafted to address the issue of teenage pregnancy. According to the available data, around 10 out of every 1,000 girls of childbearing age became pregnant. A number of measures, including peer-to-peer training, student leadership training and parental training, had been adopted to reduce the number of teenage pregnancies. A child protection policy had been established to protect children against corporal punishment, bullying and abuse, and child protection officers had been assigned to every school in the country.

7. Girls had accounted for some 51 per cent of the students benefiting from the Tertiary Education Loan Scheme and 59.1 per cent of those awarded a full scholarship under the National Toppers Scheme. The number of girls with disabilities enrolled in mainstream and special schools had increased. Screening was carried out in all schools to identify children with disabilities, including dyslexia, to ensure that they were provided with the appropriate support.

8. **Ms. Chand** (Fiji) said that, during the last universal periodic review of Fiji, the Government had undertaken to amend the clause in the Juveniles Act that related to reasonable chastisement. The proposed amendment, which was currently at the drafting stage, would need to be submitted to consultation before it could be presented to the

Parliament for approval. Children who had been subjected to corporal punishment in schools could seek redress under section 11 of the Constitution, which extended the concept of torture to corporal punishment in schools, and under section 5 of the Crimes Decree, which covered various kinds of assault. A number of teachers had been convicted of carrying out corporal punishment under the latter Act.

9. **Mr. Koroivueta** (Fiji) said that although the unemployment rate had decreased in recent years, unemployed women still outnumbered unemployed men. Efforts would be made to ensure that companies complied with the newly established minimum wage. However, the minimum wage would not apply to women entrepreneurs in receipt of grants for small and medium-sized enterprises. Although the retirement age had been reduced, retirees had the opportunity to undertake paid and volunteer work in Fiji and abroad. Teachers, doctors, nurses and other professionals often moved to other countries in order to continue working. Although paternity leave was not provided for under existing legislation, the Government intended to address that issue. The draft legislation would be designed to ensure that paternity leave was taken for the right reasons.

10. Although only 13 per cent of companies currently complied with the legal requirement to establish a policy on sexual harassment in the workplace, awareness-raising campaigns were being carried out to increase the compliance rate. Non-compliant companies were informed in writing of the importance of establishing such a policy.

11. **Ms. Manalo** said that the Committee would welcome information on any measures taken to ensure that employers complied with the principles of equal pay for equal work and equal pay for work of equal value.

12. **Ms. Gbedemah** said that the delegation had not yet provided sufficient answers to questions she had posed in the previous meeting regarding measures to address bullying in schools, the educational attainment of children living in rural areas and the more remote islands, and government efforts, if any, to train teachers to monitor educational materials and ensure the absence of gender stereotypes. The Committee would also be grateful for additional data on retention, completion and reintegration rates for pregnant girls attending alternative education centres, and for an indication of the time frame for implementation of the gender policy mentioned earlier. She wished to stress that swift amendment of the Juveniles Act was vital; although protection against corporal punishment in schools was theoretically available under other pieces of legislation, victims would find it difficult to obtain redress under those laws since access to justice for children was not easy.

13. **Mr. Bergby** said that it was still not clear what steps had been taken to prevent employers from hiring individuals for less than 12 days per month in order to avoid making contributions to the national provident fund on their behalf. He also wished to know what measures were in place to deal with sexual harassment in the army, the police and the prison service, since the courts were unable to address cases of sexual harassment in those institutions. Lastly, he asked why the Government had set such a low retirement age when the country would clearly benefit from the skills and experience of older workers.

14. **Ms. Haidar** asked when the Conference of Commonwealth Education Ministers would be held and what the Conference objectives were.

15. **Ms. Vuniwaqa** (Fiji) said that the Conference was under way in Fiji at the time of speaking.

16. **Mr. Koroivueta** (Fiji) said that reforms in the civil service should ensure that appointments were based on merit and that public sector employees were paid the appropriate amount irrespective of their gender. However, official data showed that women were underrepresented at senior levels of the civil service and, according to the public sector network of gender focal points, women were also underrepresented on the staff of some ministries.

17. In setting the current retirement age, the Government had taken into account the fact that life expectancy in Fiji was lower than in some other parts of the world and had been looking to ensure that young people had ample opportunities to enter the labour market, although the average age of the population was expected to rise. 70 per cent of Fiji islanders were currently under 40 years old. Fijian citizens who went abroad to work brought revenue

back to the country and tended to be in a much stronger financial position when they returned.

18. The Government would take steps to ensure that acts of sexual harassment in the army did not go unpunished.

19. **Ms. Vuniwaqa** (Fiji) said that measures were being taken to categorize positions within the civil service in order to identify jobs of equal value and ensure respect for the principle of equal pay for work of equal value. Efforts to ensure respect for that principle in the private sector would also be needed.

20. **Ms. Tuisawau** (Fiji) said that, as a State party to the Convention on the Rights of the Child, Fiji was committed to eliminating bullying in schools. Teachers had received training on the child protection policy, which was designed to protect children against all forms of abuse, including cyberbullying and bullying directed specifically at lesbian, gay, bisexual, transgender and intersex students. Cyberbullying was also addressed in policy for the use of mobile telephones in schools.

21. Owing to structural changes taking place within the Ministry of Education and the high turnover of staff within the relevant policy unit, it was not yet possible to say when the draft gender policy would be completed. Following the implementation of the National Curriculum Framework in 2013, a review of the entire school curriculum had been carried out. The changes resulting from that review, which included the removal of gender stereotyping from school materials, were due to be implemented in 2019.

22. **Ms. Arocha Domínguez** said that she wished to know what steps were being taken to ensure that communities in the remotest parts of the State party had access to health services and how the authorities addressed the tendency for health personnel to migrate either to the State party's larger cities or to other countries. She would also like to know how maternal and child mortality rates had evolved since 2010. In addition, she wished to know whether doctors and other health personnel helped to combat the taboos surrounding sex, and if so, how; whether the higher HIV infection rates among women than among men that were apparent at present were genuinely no more than the result of women's greater readiness to be tested; and whether the authorities, with a view to combating the stigma often faced by mothers who were HIV positive, had considered testing not only expectant mothers but also the men who had impregnated them.

23. Inviting the delegation to comment on access to abortion services in the State party, she said that it would be interesting to learn, for example, whether abortions were a cause of maternal mortality, and, if so, to what extent. She would also welcome an indication as to whether a strategy had been devised to help women deal with the harmful effects of the sedentary lifestyles and unhealthy eating habits newly prevalent in the State party. In that connection, she wondered whether the triumph of the Fiji national rugby sevens team at the Olympic Games in Brazil had been followed by government support for women's sports, the practice of which could help combat those new ills.

24. It would be interesting to know whether the welfare payments and loans made to persons with disabilities, single mothers and members of other vulnerable groups were one-off payments or payments made as part of programmes with solid foundations. She also wished to know whether any of the efforts the State party made as part of its plans to implement the 2030 Agenda for Sustainable Development focused specifically on women and girls.

25. Noting that Fiji, as an island nation, had any number of beautiful beaches and a well-developed tourist industry, she asked what steps had been taken to ensure that women were primary beneficiaries of the development of the State party's tourist industry, and not simply hotel housekeepers. Had the National Financial Inclusion Strategic Plan 2016–2018 reached women throughout the State party? Lastly, she wondered when community disaster management committees would be operational in all of the communities that were at risk of disasters exacerbated by the effects of climate change.

26. **Ms. Schulz** asked what efforts were being made to work with the communities whose traditional values had led to discrimination against women. In particular, she wished to know whether measures had been taken to ensure that women and children had priority

access to food in rural areas where, by custom, men ate first. She encouraged the State party to collect the data that would enable it to gauge the success of its rural development programmes.

27. In connection with access to land, she wondered how the State party reconciled the guarantee of non-discrimination enshrined in its Constitution with the constitutional provision that reserved land ownership for iTaukei and other indigenous Fiji Islanders. She also wondered how decisions to sell or lease communally owned land, in particular in coastal areas, were made; how the proceeds were distributed; and whether the State party planned to ensure that comprehensive consultations in which women were fully included preceded all sale or lease agreements. The delegation should also indicate whether the State party intended to redesign its marketplaces so that rural women travelling to market had access to safe accommodation for the nights that they were required to spend in town.

28. Noting that non-indigenous Fiji Islanders sometimes lost the leases to the land they farmed, often leaving them to move to burgeoning squatter settlements in the State party's urban areas, she said that, against that backdrop, it would be interesting to know whether the State party's policies on agricultural development, land use, housing and infrastructure were developed in concert; whether the State party had made plans to address the challenges posed by explosive urban growth; and how it intended to respond to the legal situation of the inhabitants of its more than 200 squatter settlements, who did not own the land they had settled. A comment on the efforts made to protect women and children in squatter settlements from domestic violence and other forms of crime would also be welcome. Lastly, she wondered whether plans had been made to evacuate iTaukei widows, who were often left behind, in the event of natural or other disasters.

29. **Ms. Haidar** said that she would welcome further information on the action taken by the authorities to regulate the operation of private sector companies that contributed to greenhouse gas emissions. She wondered what was being done to ensure that women were full participants in efforts to mitigate the possible effects of climate change, including climate-induced migration and displacement.

30. **Ms. Tamani** (Fiji) said that health services in Fiji were provided by around 200 different health facilities. They included nursing stations located throughout the country, including in highland areas and on smaller islands. Some 90 per cent of the nurses staffing those stations were female, and they were qualified to assist with emergency deliveries. More complicated cases were referred to health centres, which were overseen by doctors or nurse practitioners. Although those centres did not have in-patient facilities, they were able to stabilize patients until they could be transferred to a more comprehensive treatment facility, such as one of the country's subdivisional hospitals, which had inpatient facilities and provided allied health services. Divisional hospitals provided tertiary-level care.

31. Despite the country's numerous health facilities, the Government was well aware that work needed to be done to ensure that that the entire population had access to health care. To that end, a number of nursing centres had been set up within health centres, and the health centres in two key rural areas had been upgraded into subdivisional hospitals, in particular so that women in those areas would not have to travel long distances for inpatient maternity services. Mobile outreach teams, based in the health centres, provided comprehensive health-care services in hard-to-reach areas in the highlands and on the maritime islands.

32. Community health workers, who were volunteers selected by the members of their communities, provided primary care, while partnerships with NGOs facilitated the provision of sexual and reproductive health care, counselling and other services. Efforts had recently been made to build shelters near hospitals, where pregnant women, especially those from remote areas, could stay while waiting to give birth. Maternal care services, including family planning, were provided at all levels of the health system and, if a contraceptive was unavailable at one level, a referral was made to the next level. Women did not need their partners' permission to obtain any form of contraception. In 2016, more than 90 percent of pregnant women had had at least four antenatal check-ups and the maternal mortality rate had been 20.9 per 100,000 live births. Abortion had not been one of

the top five causes of maternal mortality. Skilled birth attendants assisted at more than 99 per cent of births.

33. The doctor-to-patient ratio had been very low in Fiji, but by 2017 it had improved to about 1 doctor for every 1,400 persons. The aim was to reach a ratio of 1 to 1,000. The number of graduates of the country's medical school had been rising, making it possible for more doctors to be posted to outlying areas.

34. Recent cyclones had done damage to a number of health facilities, but new facilities had been built in the areas that had been severely affected. Budget allocations had been made for the maintenance of health facilities and for capital improvements.

35. HIV testing was available at antenatal clinics and elsewhere. Counselling was provided before and after tests, and women and children who were HIV positive were registered at one of the country's three divisional hospitals, where they received follow-up treatment. Hepatitis B and tuberculosis screening and treatment were among the services available to persons living with HIV/AIDS. Prevention of mother-to-child transmission of HIV was available free of charge. Since early 2016, data regarding persons living with HIV/AIDS had been entered in an online database. The HIV prevalence rate in Fiji was less than 0.1 per cent, as it had been for the previous 20 years. The Ministry of Health earmarked funds for the management of HIV and other sexually transmitted infections. It also had a unit that coordinated initiatives funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria.

36. Comprehensive sex, family health education and life skills training were provided through a peer educator programme followed by students in the country's elementary and high schools. The programme, which had been in place for more than ten years, had been funded by ongoing allocations from the Ministry of Health. School health programmes included wellness and mental health initiatives, efforts to prevent suicide, immunization drives, oral health services and the diagnosis and management of rheumatic heart disease, which could prevent complications in pregnancy. A recent review of the adolescent health services provided by the State had led to a number of recommendations, which would be addressed in part through a strategic plan on adolescent health, for which a budget had already been allocated.

37. Under the Crimes Decree 2009, abortion performed by a medical practitioner was lawful if it was carried out in good faith and with reasonable care and skill, and the pregnancy was the result of sexual intercourse between a parent and child, a brother and sister or a grandparent and grandchild. It was also lawful if the pregnancy was the result of rape, if continuing the pregnancy was likely to result in serious danger to the physical or mental health of the woman concerned or if the pregnancy was already causing serious danger to the woman's physical or mental health.

38. **Ms. Vuniwaqa** (Fiji) said that doctors' salaries had been raised considerably in the previous year, encouraging many of them to return to the public sector.

39. **Ms. Korovusere** (Fiji) said that there was clearly a lack of investment in sports activities for women. However, the national machinery for the advancement of women had recently begun consultations with sports bodies with a view to improving that situation and limited funding had already been provided, for example, for netball. The Ministry for Women, Children and Poverty Alleviation funded programmes providing allowances for persons living with disabilities, and 37 per cent of the beneficiaries were women. Among small grants recipients, 40 per cent were women; of those receiving care and protection allowances, 48 per cent were women; and 57 per cent of those receiving benefits under the social pension scheme were women. The Ministry also promoted income-generation activities, for example by holding the annual National Women's Expo, which showcased the handicrafts of the country's women, to link Fijian women with both national and international markets.

40. **Ms. Nairoba** (Fiji) said that a number of initiatives had been taken to benefit women market vendors. The Ministry for Women, Children and Poverty Alleviation was working closely with UN-Women in the Markets for Change programme, and also with local municipalities, to address the issues faced by market vendors. There were currently about

1,500 market vendors in the country, nearly 90 per cent of whom were women. The recent initiatives had increased their social standing and economic security and had also helped to increase their participation in decision-making at the local level, resulting in improved accommodation and accessibility for the market vendors. In addition, the infrastructure at marketplaces had been made more gender-responsive.

41. The Ministry of National Disaster Management and Meteorological Services had recently launched a national humanitarian policy on disaster risk management, which was gender-sensitive, and women were included in the related discussion groups and committees at the national and local levels. The Government recognized the role of women in addressing climate change and food insecurity. The Ministry of Agriculture and the Ministry of Fisheries and Forests had identified, with the help of donors, new technologies and better production practices to ensure food security in villages. Housing allowances were available to assist rural women, and a large number of rural women had transferred from agriculture to the production of handicrafts to supply the tourism industry, which were featured, for example, in the National Women's Expo.

42. **Ms. Vuniwaqa** (Fiji) said that prior to colonization, all land had belonged to the iTaukei people, the indigenous people of Fiji. Since then the situation had evolved, and land tenure in Fiji fell into three categories: iTaukei, or indigenous land; private freehold land; and Crown, or State, land. The sale of indigenous land, which made up around 90 per cent of national territory, had been banned first by law and later by a constitutional provision in order to ensure that it would remain in the hands of indigenous people. Both indigenous and Crown land could be leased, and freehold land could be sold.

43. Until recently, leases had been granted only to men, but the standard operating procedures had been changed so that when a married person took up a lease it was issued in the names of both spouses. The leases were granted for 99-year periods and were renewable. The proceeds from leases of indigenous lands had until recently been divided disproportionately, with the clan chiefs receiving around 70 per cent of the funds and the rest being shared among the members of the clan, but the law had recently been amended so that all members of the clan, irrespective of their status or gender, received identical amounts.

44. The Fijian Government, like many others, applied price controls for basic food items. Accommodation was currently being built in marketplaces for market vendors. The information that the Committee had requested on the education sector and women's access to bank accounts would be provided within 48 hours. The Government had adopted an ambitious energy policy that called for 100 per cent use of renewable energy by 2030, and the policy had already elicited a response on the part of the private sector.

45. **Ms. Schulz** said that it was her understanding that there was a risk that foreign persons and companies could purchase or lease land in Fiji, thus possibly causing environmental damage through irresponsible land use. Did the Government take any steps to mitigate that risk?

46. **Ms. Hayashi** said that she wished to receive further information about land tenure rights. According to the periodic report, children of married parents took their fathers' family names and were considered to be part of their fathers' family units for land tenure rights. What happened to the children of single mothers and mothers who were divorced or widowed? According to the periodic report, the non-financial contribution of women was taken into consideration when they claimed shares in matrimonial property. Was that provision relevant to traditional land ownership rules?

47. **Ms. Vuniwaqa** (Fiji) said that foreign ownership of residential land was subject to relatively strict restrictions, and other restrictions applied in the case of commercial properties. In the past, many foreigners had purchased land or land rights and had subsequently not made any use of the land in question, sometimes for decades. The Government had recently passed a law requiring that foreigners who purchased land must develop it within two years, failing which they would have to pay penalties. The environmental protection provisions were quite stringent, especially in respect of mangroves and foreshore lands, which belonged to the State. No law established that children must take their father's names, but that was the standard practice. For registration

purposes, iTaukei girls were registered under the *tokatoka*, or family unit, of their fathers, and remained there even after marriage; their entitlements under their initial registration remained intact until death. For indigenous persons, registration was closely tied to land ownership. Proposals to lease iTaukei lands required the consent of 60 per cent of the members of the corresponding *tokatoka* or *mataqali*.

48. **Ms. Schulz** said that she would like to receive information on the problems faced by squatters and how the authorities addressed the insecure situations they faced in terms of legal rights, housing conditions, crime and poverty.

49. **Ms. Song** said that she wished to commend the Fijian authorities for the efforts they had made to address the problems of rural women. The situation of rural women was a good indicator of whether a country took the steps required to ensure respect for women's rights.

50. **Ms. Vuniwaqa** (Fiji) said that in 2014 the authorities had taken steps to regularize the tenure of persons living in squatter settlements on Crown land, some of whom had been living there for generations, through the distribution of leases. After receiving documents giving them a legal status, the lessors had often built better homes, thanks to the legal security that such documents afforded. The Government had also taken steps to provide services such as water and electricity for persons with low incomes, including those living in squatter areas. At a recent Cabinet meeting, the Minister of Lands and Natural Resources had proposed a similar measure for iTaukei lands.

51. **Ms. Hayashi** said that the periodic report submitted in 2009 had mentioned that legal reforms had established a family court system and had introduced no-fault divorce, provisions for child maintenance and a system for the division of marital property in line with the Convention. She would like to know the State party's assessment of the status of implementation of those family law reforms. Could the delegation identify any shortcomings or obstacles to implementation? Commending the State party for changing the Marriage Act to bring the legal age of marriage to 18, she asked whether information on the new legislation had been disseminated to members of the legal profession and law enforcement services. Had the revised Marriage Act eradicated practices such as underage marriage and polygamy, or were such practices still a part of customary marriage?

52. Between 2009 and 2014, the number of applications to the family court had tripled, but even that number was apparently low in relation to the number of people requiring its intervention. It was estimated that a mere 5 per cent of women who encountered family law problems actually chose to bring their cases to court. She would therefore appreciate details of any measures taken to reduce delays in family court proceedings. According to information received by the Committee, village chiefs had mediated between unmarried rape victims and their attackers or their respective families to arrange marriages, and young girls had been forced into marriage with their rapists, apparently owing to financial and cultural considerations. What was the view of the State party about such reports? Did any legal provisions mitigate the responsibility of perpetrators of rape if they married their victims?

53. **Ms. Chand** (Fiji) said that no detailed assessment had yet been conducted of the implementation of the Family Law Act, which dated from the early 2000s. It was perhaps time to conduct such a study. Customary marriages, including child marriages, were not recognized under the law. Such cases must be reported by family members or civil society organizations working in the communities in question in order for them to be dealt with by law enforcement officers and the legal system. Various directives had been issued to judicial officers instructing them to eliminate backlogs and expedite the treatment of cases in the legal system. If any marriages were being arranged between rape victims and their attackers, it was outside the context of the law, which provided no mitigating circumstances for the offence of rape if the perpetrator married the victim.

54. **Ms. Vuniwaqa** (Fiji) said that marital rape was illegal in Fiji and that the delegation had no record indicating that the victim of a rape had been forced into a marriage with her attacker. If such a situation were reported, it would be subject to criminal prosecution, like any other rape.

55. **Ms. Haidar** said that she was concerned about the State party's lack of ability to address gender-based violence. The delegation had described the establishment of shelters for victims, but the Committee would like to be reassured that measures were being taken to ensure that the prevalence of such violence would be significantly reduced by the time the State party returned to present a new periodic report. The Committee had received information according to which the sentences handed down by the judiciary for acts of gender-based violence were excessively lenient, which undermined confidence in judicial processes. What measures was the State party considering to inculcate an understanding among the members of the judiciary of the need to address gender-based violence with sufficient seriousness and to ensure access to justice for victims?

56. **Ms. Vuniwaqa** (Fiji) said she agreed that reducing gender-based violence was a major concern for the future. However, she would not go so far as to identify the judiciary's treatment of gender-based violence as a weak point. The sentences handed down had so far been in line with sentencing tariffs established by the Fijian legal system. In her view, reducing gender-based violence would most likely require improved coordination of the responses and efforts of stakeholders involved in case management. The service delivery protocol that was currently being drawn up would help in that connection.

The meeting rose at 5 p.m.